GAHC010157842020

# THE GAUHATI HIGH COURT
## (HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

**Case No. : AB/3176/2020**

ABDUL KALAM AZAD AND 2 ORS.
S/O AMZAD ALI, R/O VILL-KALIKURA PART-II, P.O. AND P.S.-MERERCHAR, DIST-BONGAIGAON, ASSAM

2: MOFIDUL ISLAM
S/O AMZAD ALI
R/O VILL-KALIKURA PART-II
P.O. AND P.S.-MERERCHAR
DIST-BONGAIGAON
ASSAM

3: MOKLESUR RAHMAN
S/O AMZAD ALI
R/O VILL-KALIKURA PART-II
P.O. AND P.S.-MERERCHAR
DIST-BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MRS. B GOGOI

**Advocate for the Respondent** : PP, ASSAM

**BEFORE**

**HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN**

**ORDER**

***15.12.2020***

By this application under Section 438 CrPC, petitioners, namely, 1) Abdul Kalam Azad, 2) Mofidul Islam and 3) Moklesur Rahman, have sought for pre-arrest bail in the event of their arrest in connection with Mererchar PS Case No. 65/2020 under Sections 143/341/325/354 (B)/294/506 IPC.

Heard the learned counsel for both the sides.

Perused the Case Diary and the FIR.

As has been contended earlier, the present petitioner also filed an FIR at prior point of time, which has been registered as Mererchar PS Case No. 64/2020, against the present informant and others. As it is exactly based on similar accusations, both the parties have filed cases against each other and the earlier case filed by the petitioner has also ended at charge sheet and the medical report reveals that the injury sustained by the injured is simple lacerated injury.

Considering all entirety of the mater, while there is an issue of fight between the parties, resulting in different cases against each other, this Court is of the opinion that custodial interrogation of the present petitioners can be dispensed with. Accordingly, each of the petitioners, named above, is allowed to go on pre-arrest bail on furnishing bail bonds of Rs.10,000/- each, with one surety each of the like amount, in the event of their arrest in connection with the aforesaid case to the satisfaction of the arresting authority, with a direction to the petitioners to appear before the I.O. of the case within 15 (fifteen) days from today and they shall cooperate with the investigation of the case, as and when required.

Anticipatory Bail Application stands disposed of.

Return the Case Diary.

**JUDGE**

**Comparing Assistant**